

REMARKS

The priority claim has been updated to reflect the issuance of the parent application.

Claims 1, 2 and 4-15 were rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 16 of United States Patent No.

5 6,918,389 to Seakins et al. in view of JP 09234247 to Yoshikazu. Claim 3 was rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 16 of Seakins et al. in view of Yoshikazu, and further in view of United States Patent No. 4,051,205 to Grant.

In response to same, Applicants have concurrently filed a Terminal Disclaimer.

10 Applicants submit that this overcomes the Examiner's rejections. Reconsideration and allowance of the claims is requested.

Linda Palomar, counsel for Applicants, spoke to the Examiner on April 18, 2006 regarding these rejections. The Examiner advised that it appears that claim 16 of the '389 patent is not related to the species elected (Figure 1) during prosecution of the '389 patent, and instead
15 is related to the species being examined in this application. Therefore, he contended that this double patenting rejection is proper.

In view of the above, Applicants respectfully submits that the claims of the application are allowable. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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